



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 3, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Acting Chair McKillop followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Bogue, Peixoto, Zermeño
ACTING CHAIR: McKillop
Absent: COMMISSIONER: Sacks
CHAIRPERSON: Thnay

Staff Members Present: Conneely, Patenaude, Patton, Lens

General Public Present: One.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Density Bonus Ordinance

Staff report submitted by Neighborhood and Economic Development Manager Patton, dated November 3, 2005, was filed.

Neighborhood and Economic Development Manager Patton presented the report.

In response to Commissioner Peixoto's inquiry, Neighborhood and Economic Development Manager Patton indicated that each city and county in California are required to adopt conforming ordinances. In reference to the difference between the inclusionary and density ordinances, Ms. Patton stated that the Inclusionary Ordinance is the means by which the City is seeking to ensure that developers will be cognizant to the need for affordable housing and will do their share to meet that need. She added that in contrast, the proposed ordinance is an incentive that requires nothing of developers but allows the procedure by which the developers can request, if willing to provide affordable housing, ways to maximize their land and infrastructure cost.

Regarding Commissioner Peixoto's inquiry about affordable housing for the low income and ways to prevent increases in home value as experienced lately with the real estate, Ms. Patton responded that the Density Bonus Ordinance does not set a number of years that a moderate income ownership unit has to remain affordable but does allow the City to recapture a proportionate share of

appreciation, and the Inclusionary Ordinance requires a term of forty-five years and is secured by means of deed restriction.

In response to Commissioner Lavelle's question as to whether the ordinances are going to be promoted by the City, Ms. Patton indicated that it is difficult to determine how often developers are going to request the density increase or incentives. Acting Planning Manager Patenaude indicated that Olson Company requested a density increase and that staff had to rely on knowledge of the state law. He added that the ordinance sets up a better procedure whereas before the City did not have a procedure in place.

In response to Commissioner Zermeño's inquiry if a four-unit project could claim partial concession, Ms. Patton indicated that there is a five-unit threshold and doubted that the City would be agreeable to make partial concession. Acting Planning Manager Patenaude added that at this point there is no policy to recommend partial concession.

Having no one to speak, Acting Chair McKillop opened and closed the public hearing at 7:53 p.m.

Commissioner Lavelle moved the item commending staff for the effort put into studying this matter. She was content with the knowledge and experience acquired regarding the Inclusionary Ordinance and Tandem Parking Ordinance. She added support for the portion of the law that will be implemented that affordable rate units will not be distinguishable in any particular way, but blended in the project.

Commissioner Bogue stated that he is split about the mandated law because the City is required to implement the law, but it is voluntary for a developer to use it. He mentioned that this law was designed to encourage communities to provide a range of housing value, but Hayward already offers a wide variety of affordable housing priced differently. He added that he had concerns about supporting the law at this time.

In response to Acting Chair McKillop's inquiry for the City's concession for going below the state minimum requirements, Assistant City Attorney Conneely mentioned that the piece of legislation is expressly applicable to charter cities and it sets the minimum standards. She added that the City can always grant more development concession, but cannot grant less. Ms. McKillop mentioned support indicating that it is important to continue to provide more housing for people with different economic status.

Commissioner Zermeño supported the motion indicating that there are safeguards against having a project with the low-income homeowners clustered in one corner. He was pleased that different people will be integrated and was content with the City standards. Additionally, he concurred with other Commissioners of the need of more homes.

Acting Planning Manager Patenaude clarified that the Olson application received was regarding the Inclusionary Ordinance.

Commissioner Peixoto supported the motion with some reservation for bureaucratic decisions that are intended to address housing issues for every city. He was suspicious with the state's ability to



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monitor cities. Furthermore, he indicated that the City is providing its fair share of low and very low income housing, and decided to support the motion because it is state mandated.

Commissioner Lavelle moved, seconded by Commissioner Zermefio, and approved to recommend to the City Council to adopt the Negative Declaration subject to the findings and introduce the proposed Density Bonus Ordinance.

AYES: COMMISSIONERS Lavelle, Peixoto, Zermefio
ACTING CHAIR McKillop
NOES: COMMISSIONER Bogue
ABSENT: COMMISSIONER Sacks
CHAIR Thnay

ADDITIONAL MATTERS

2. Oral Reports on Planning and Zoning Matters
Acting Planning Manager Patenaude announced a work session on November 10 regarding Stonebrae Design Guidelines and a regular meeting on November 17 regarding items related to Cannery projects. Additionally, he announced a meeting scheduled for December 15.

3. Commissioners' Announcements, Referrals
Commissioner Lavelle reminded citizens to exercise their rights and vote on November 8.

Commissioner Zermefio expressed appreciation for the left turn access on Foothill Boulevard and for the beginning of the Cinema Place construction.

APPROVAL OF MINUTES

The minutes of October 20, 2005 were approved.

ADJOURNMENT

Acting Chair McKillop adjourned the meeting at 8:06 p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary